Mr. P. P. Devassi *(Trichur-North)*: In view of the fact that the charge-officer may be one in Chittur and the accused may be arrested at a time when the District Magistrate is at Ernakulam and that the accused may be later on found to be innocent, the accused will have to be in jail for 2 or three days, cannot the Government do away with this rule?

Mr. M. Sivarama Menon *(Advocate-General)*: The Charge officer may record in the F. I. R. whether he has any objection or not to the accused being released on bail.

Mr. P. P. Devassy *(Trichur-North)*: May I know whether with the submission of the F.I.R. the charge also may be laid?

Mr. M. Sivarama Menon *(Advocate-General)*: It will not be possible in all cases to lay charge because further investigation will be necessary in some cases.

Mr. P. P. Devassi *(Trichur-North)*: Is it not a fact that in ordinary cases charge is laid along with the F.I.R.

Mr. M. Sivarama Menon *(Advocate-General)*: No. Not always.

Mr. A. B. Salem *(Mattancheri)*: May I know whether the executive has at any time made any remarks regarding punishments awarded?

Mr. M. Sivarama Menon *(Advocate-General)*: No. The executive cannot make any observation regarding punishments awarded by the judiciary.

Mr. A. B. Salem *(Mattancheri)*: Has any department made any remarks regarding punishments meted out?

Mr. M. Sivarama Menon *(Advocate-General)*: You mean by the executive?

Mr. A. B. Salem *(Mattancheri)*: Whether any Department has made any remark regarding the punishment being inadequate.

Mr. M. Sivarama Menon *(Advocate-General)*: In Calendar revision the District Magistrate can pass such remarks. The High Court can pass such remarks.

Mr. A. B. Salem *(Mattancheri)*: They are the judiciary. They are entitled to say many things. Has any other department done such a thing?

Mr. M. Sivarama Menon *(Advocate-General)*: No.

Mr. P. P. Devassi *(Trichur-North)*: Will the Government be pleased to order that hereafter at least an observation be made in the F.I.R. whether it is a case where the accused could be let on bail or not.

Mr. M. Sivarama Menon *(Advocate-General)*: That will be looked into.

Mr. A. B. Salem *(Mattancheri)*: May I know the reason why the burden of proof is on the accused in these cases?

Mr. M. Sivarama Menon *(Advocate-General)*: This is a British Indian Act made applicable to the State *mutatis mutandis* and it is an emergency piece of legislation enacted to meet an exceptional situation.

AMINS—REVISION OF SALARY, ETC.

154. Mr. V. J. Mathai *(Planters)*: Will Government be pleased to state whether considering the very responsible work of the amins and also their power for good and evil the Government will raise their status and salary?

Mr. M. Sivarama Menon *(Advocate-General)*: This is a question to be considered in a scheme of general revision of salaries. Government see no reason to consider the case of amins in particular.

NUMBER OF APPEALS AND REVISION CASES BEFORE THE HIGH COURT IN 1117

155. Mr. A. V. Moothedan *(Chalakkudi)*: Will Government be pleased to state.—

(*a*) the number of appeals and revision cases that came up for hearing before the High Court during the year 1117;

(*b*) how many were decided by the Full bench and Division Benches respectively;

(*c*) the number of cases in which leading judgments were written by each Judge;

(*d*) of these cases how many are reported in Cochin Law Reports?

Mr. M. Sivarama Menon *(Advocate-General)*:

(*a*)

Appeals	123	C. R. P.	170
2nd Appeals	166	Cr. Appeals	40
C. M. A.	41	Cr. Revision	23
		Total	563

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(b)

	Full Bench	Division Bench
A. S.	63	60
S. A.	4	162
C. M. A.	20	21
C. R. P.	8	110
Cr. Apps.	12	28
Cr. Revns.		11

(Rest by single bench)

(c) Rao Bahadur P. Neelakanta Menon, Cheif Justice 158
Justice Rao Bahadur T. S. Narayana Ayyar 224
Justice Thomas Manjuran 181

(d) 110.

HABEAS CORPUS—CHOWWARA PARAMESWARA MENON—APPLICATION BY

156. Mr. V. K. Bhaskara Menon *(Cranganur)*: Will Government be pleased to state whether one Chowwara Parameswaran had applied from Jail to move the High Court for the issue of a writ of Habeas Corpus and if the answer is in the affirmative will Government kindly state when the application was received and what action was taken in the matter?

Mr. M. Sivarama Menon *(Advocate-General)*: Yes, on 18th September 1942. The petition was forwarded to the High Court.

Mr. V. K. Bhaskara Menon *(Cranganur)*: What exactly was the date of the petition?

Mr. M. Sivarama Menon *(Advocate-General)*: 7th September 1942.

Mr. V. K. Bhaskara Menon *(Cranganur)*: The date on which it was despatched from jail to the Government.

Mr. M. Sivarama Menon *(Advocate-General)*: It was forwarded to the Secretary on 16th September 1942.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I take it that a petition to the Government presented by a party was belated in the jail for nearly 11 days.

Mr. M. Sivarama Menon *(Advocate-General)*: There was no provision in the jail rules authorising the Superintendent to forward a petition. Some time was taken by him to decide what he should do with the petition.

Mr. V. K. Bhaskara Menon *(Cranganur)*: Then why exactly was it forwarded?

Mr. M. Sivarama Menon *(Advocate-General)*: He took instructions from the Inspector-General of Prisons and he forwarded it in accordance with the directions of the Inspector-General.

Mr. V. K. Bhaskara Menon *(Cranganur)*: Under which law can the Inspector-General forward it to the Secretary.

Mr. M. Sivarama Menon *(Advocate-General)*: There is no provision in the jail rules and therefore this matter was brought to the notice of the Government.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know when exactly it was brought to the notice of the Government by the Inspector-General of Prisons.

Mr. M. Sivarama Menon *(Advocate-General)*: That is on 16th September 1942. The Jail Superintendent cannot have direct communication with the Government.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know when this was brought to the notice of the Inspector-General of Prisons?

Mr. M. Sivarama Menon *(Advocate-General)*: Notice.

Mr. V. K. Bhaskara Menon *(Cranganur)*: When exactly this petition was forwarded to the High Court.

Mr. M. Sivarama Menon *(Advocate-General)*: On 1st April 1943.

Mr. V. K. Bhaskara Menon *(Cranganur)*: What was being done with this petition during this period of 7 months?

Mr. M. Sivarama Menon *(Advocate-General)*: The question was being considered as to whether an accused person can put in a petition of this nature. He was charge-sheeted within 27 days of the receipt of this petition. When he again pressed the petition, it was forwarded to the High Court. He was an undertrial prisoner and there was no necessity, as a matter of fact, to enquire into this matter.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know whether it is the view of the Government that where the High Court can issue a writ of habeas corpus the Government can *suo moto* decide that it is a case in which the writ should not be issued?

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